

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Visakhapatnam District – Withdrawal of Prosecution against the accused person Sri Kodeboina Anand, (A3) in Cr.No.618/84, Under Sections 420, 468 and 471 of the Indian Penal Code, 1860 – Visakhapatnam II-Town Police Station, Visakhapatnam - Orders – Issued.

HOME (LEGAL-II) DEPARTMENT

G.O.Rt.No. 338

Dated: 05-03-2012

Read the following:-

- 1.G.O.Rt.No.180, Home(Legal.II)Dept., dt.20-2-2003
- 2.From the Addl. DGP, CID, AP, Hyderabad,C.No.426/C1/CIC/1985, date:7-8-2008 and 19-12-2011.

ORDER:

In the letter 2nd read above, the Additional Director General of Police, Crime Investigation Department, Andhra Pradesh, Hyderabad, has informed that the Crime Investigation Department had investigated the case in Cr.No.618/84, Under Sections 420, 468 and 471 of the Indian Penal Code, 1860 of Visakhapatnam II Town Police Station, Visakhapatnam, and charge sheet was filed against A1 to A8 on 18-12-1987 and was assigned C.C.No.1180/87 by IX AJFCM, Visakhapatnam. Subsequently A1 and A6 died and the case against them was abated. Regular trial was conducted against A2. A4 and A8 as they contested during the year 1998 and the case against all the three (A2, A4 and A8) was ended in acquittal vide C.C.No.18/93. The Accused A5 and A7 were convicted vide C.C.Nos 6/93 and 234/91 as they admitted their guilt and the remand period of 6 months and 3 months respectively was set up for conviction. The case against A3 was separated and numbered as C.C.No.609/94, as the accused Kodeboina Anand, (A3) was absconding since 1990, and despite several efforts made to trace him, they were in vain. There was no possibility to trace the said person. Proceedings Under Sections 82 and 83 of the Code of Criminal Procedure, 1973 were also initiated and proposals sent to withdraw the case against A3, as keeping the case pending is wasting precious time of the Court and prosecution;

2. The Additional Director General of Police, Crime Investigation Department, Andhra Pradesh, Hyderabad, has further informed that the Government vide G.O.Rt.No.180, accorded permission and issued orders to withdraw the prosecution against the accused Sri Kodeboina Anand (A3) on 20-2-2003. But, the said GO has not been addressed to the Crime Investigation Department, due to which the Inquiry Officer could not file the same in the concerned court for withdrawal of prosecution against A3. However, the Crime Investigation Department, Inquiry Officer made efforts to trace the above original GO, at the offices of the District Collector, Visakhapatnam, Commissioner of Police, Visakhapatnam and the Public Prosecutor's Office, but in vain. Therefore, the Additional Director General of Police, Crime Investigation Department, Andhra Pradesh, Hyderabad, has requested the Government to issue orders, afresh, for withdrawal of prosecution against Sri Kodeboina Anand (A3), in Cr.No.618/84, Under Sections 420, 468 and 471 of the Indian Penal Code, 1860, Visakhapatnam II Town Police Station, Visakhapatnam, in supersession of the earlier orders issued in the reference 1st read above.

3. The Government, after careful examination of the proposal of the Additional Director General of Police, Crime Investigation Department, Andhra Pradesh, Hyderabad, in supersession of earlier orders issued in the reference 1st read above, hereby decide to withdraw prosecution Under Section 321 of the Code of Criminal Procedure, 1973 against Sri Kodeboina Anand (A3), in Cr.No.618/84, Under Sections 420, 468 and 471 of the Indian Penal Code, 1860 of Visakhapatnam II-Town Police Station, Visakhapatnam.

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4. The Collector and District Magistrate, Visakhapatnam is requested to direct the Public Prosecutor concerned to file a petition Under Section 321 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) for withdrawal of Prosecution against Sri Kodeboina Anand (A3), in Cr.No.618/84, Under Sections 420, 468 and 471 of the Indian Penal Code, 1860 of Visakhapatnam II-Town Police Station, Visakhapatnam under intimation to the Government.

5. The Additional Director General of Police, Crime Investigation Department, Andhra Pradesh, Hyderabad, and the Collector and District Magistrate, Visakhapatnam District, are requested to take further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**AJOYENDRA PYAL
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Addl. Director General of Police, Crime Investigation Department,
Andhra Pradesh, Hyderabad.

The Collector & District Magistrate, Visakhapatnam District
The Commissioner of Police, Visakhapatnam City, Visakhapatnam
The Public Prosecutor concerned through District Collector.

Copy to:
The Law (E) Department

// FORWARDED :: BY ORDER //

SECTION OFFICER